

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

DAVID A. SUMRALL

*

Petitioner,

v.

*

CIVIL ACTION NO. JFM-07-192

CLERK DUCKWORTH

*

Respondent.

MEMORANDUM

Petitioner is a prisoner confined at the Newton County Correctional Center in Newton, Texas. Respondent is the Clerk for the Circuit Court of Anne Arundel County, Maryland. On January 22, 2007, this court received for filing this writ of mandamus in which petitioner asks this court to compel respondent to provide him information concerning alleged circuit court indictments.¹

This “writ” was construed as a 28 U.S.C. § 1361 petition for mandamus relief. Under 28 U.S.C. § 1361, the federal district courts have original jurisdiction of any action in the nature of mandamus to compel an officer or employee of the United States or one of its agencies to perform a duty owed to a petitioner. This Court does not have jurisdiction over Maryland employees in an action for writ of mandamus. *See Gurley v. Superior Court of Mecklenburg County*, 411 F.2d 586, 587 (4th Cir. 1969). Consequently, this Court cannot compel Clerk Robert Duckworth to provide

¹ Petitioner is apparently seeking criminal court docket entries relating to preliminary hearings, plea hearings, trial, sentencing, and information, *e.g.*, pages and costs, for any respective transcripts.

petitioner with the information he seeks. The writ of mandamus will be denied.² A separate order follows.

Date: January 30, 2007

/s/_____
J. Frederick Motz
United States District Judge

² Petitioner is not without recourse. To the extent he seeks records from the Clerk of the Court, he may file a Maryland Public Information Act request. *See* Maryland Code Ann., State Gov't, §§ 10-611, *et seq.* If the information is denied, petitioner must then seek administrative review of the official refusal to provide the requested information. *Id.*, §10-622. If unsuccessful with the administrative review, he may then file a complaint with the appropriate State circuit court by way of an original civil action. *Id.*, §10-623.